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# Legislative Notice

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## **S. 886 — Foreign Relations Authorization Act, Fiscal Years 2000-2001**

Calendar No. 91

Reported as an original bill from the Committee on Foreign Relations on April 27, 1999, without amendment, by a vote of 17-1 (Senator Sarbanes voting in the negative). S. Rept. 106-43.

Minority views filed.

### **NOTEWORTHY**

- The Senate is expected to give floor consideration to S. 886, the Foreign Relations Authorization Act, Fiscal Years 2000-2001, on Friday, June 18, 1999.
- The Act —
  - Authorizes funding for the Department of State, United States international broadcasting activities, and other foreign affairs programs for Fiscal Years 2000-2001;
  - Authorizes a five-year, \$3 billion embassy construction program to upgrade U.S. diplomatic facilities overseas in the wake of embassy bombings in East Africa, and other terrorist threats subject to various accountability measures; and
  - Mandates reforms at the United Nations that must be met and authorizes the payments of U.S. arrearages to the United Nations in light of such reforms.
- Pursuant to a unanimous consent agreement (No. 91, June 10, 1999), only listed first-degree amendments are in order subject to relevant second-degree amendments. [See Possible Amendments, below.]
- The managers expect to offer a technical-changes amendment to S. 886 at the beginning of floor consideration.

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## HIGHLIGHTS

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### **State Department Authorization**

This legislation authorizes appropriations and activities for the Department of State and broadcasting activities for fiscal years 2000-2001. For these two fiscal years, respectively, the bill authorizes \$6.38 billion and \$6.03 billion. The bill is the first authorization of State Department activities since enactment last October of the Foreign Affairs Reform and Restructuring Act, which requires the abolition of the Arms Control and Disarmament Agency (ACDA) and the U.S. Information Agency (USIA) and consolidation of these agencies' functions into the State Department, and authorizes fiscal year 1998-99 activities.

### **Embassy Security**

On August 7, 1998, two bombs exploded nearly simultaneously at the U.S. embassies in Kenya and Tanzania. Over 200 persons were killed and over 4,000 were injured. As required by law, Accountability Review Boards were convened; the panels were jointly chaired by Admiral William Crowe (USN-Ret.). As the report emphasized, there was a "collective failure" on the part of the U.S. Government — both the Executive branch and Congress — in not providing adequate resources for security. The Crowe panels recommended that the government "undertake a comprehensive and long-term strategy for protecting American officials overseas." Congress is again prepared to provide a significant level of funding for the State Department to initiate a substantial construction program. The cost of rebuilding and upgrading overseas diplomatic facilities will be considerable, and this legislation (see Title IV, below) provides a strong commitment to providing the level of funding to begin accomplishing that goal. The Committee recognizes that unlimited resources are not available. Accordingly, there should be clear priorities within the construction program, focusing on those posts which are most vulnerable to terrorist attack and crucial to the conduct of our foreign policy. In addition, the legislation requires stronger accountability than previous embassy upgrade programs.

### **Nonproliferation**

Title VI of S. 886 establishes policy and reporting requirements, and establishes a new Assistant Secretary of State for Verification and Compliance, so as to improve the administration of United States arms control, non-proliferation, and disarmament policies. Two new State Department funds will enable the Department to encourage other agencies to develop arms control verification technologies and humanitarian demining equipment.

### **United Nations Reform**

Title IX of S. 886 authorizes payment of U.S. arrears to the United Nations only after specific reform benchmarks have been met by the United Nations and its specialized agencies. The bill would authorize \$575 million in funds already appropriated in fiscal years 1998 and

1999 for payment of U.S. arrearages, as well as \$244 million in fiscal year 2000 funds and \$107 million in forgiveness of debt owed to the United States by the United Nations. The core purposes of this legislation are to reduce spending in the United Nations system and to clear up our arrearages with the United Nations.

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## **BILL PROVISIONS**

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### **Title I — Authorization of Appropriations**

#### **Sec. 101. Administration of Foreign Affairs**

This section includes funds for policy formulation, diplomatic relations, implementation of consular programs, office space and living quarters for the United States' missions abroad, provision of security for those operations, and information resource management. This section also provides funds for additional personnel and computer updates to facilitate timely processing of commercial export licenses, including licenses for the export of commercial communications satellites and for the use of foreign satellite launch services.

#### **Sec. 102. International Commissions**

This section authorizes funds necessary to enable the United States to meet its obligations as a participant in international commissions.

#### **Sec. 103. Migration and Refugees**

This section authorizes the Secretary of State to make contributions to international organizations such as the United Nations High Commissioner for Refugees, and the International Committee for the Red Cross, through private voluntary agencies, governments, and bilateral assistance, as authorized by law.

#### **Sec. 104. United States Informational, Educational, and Cultural Programs**

This section authorizes appropriations for fiscal years 2000 and 2001 for Fulbright and other educational and cultural exchange programs, the East-West Center, the North-South Center, and the National Endowment for Democracy. It includes two earmarks: for the Muskie Fellowship exchanges with Russia (\$7 million each year for FYs 2000 and 2001) and for the Vietnam Fulbright program (\$5 million).

#### **Sec. 105. Grants to the Asia Foundation**

The Asia Foundation is a private, non-governmental organization which makes grants for the purposes of promoting democracy, legal reform, trade and investment liberalization, and peaceful relations within the region. This section authorizes \$15 million for the Foundation, up

significantly from the FY 1999 authorization of \$8.25 million in order to support the Foundation's legal reform initiatives in Asia.

## **Title II — Department of State Basic Authorities and Activities**

### **Subtitle A — Basic Authorities and Activities**

#### **Sec. 201. Office of Children's Issues**

Section 201 requires the State Department to make several changes with regard to its handling of international parental abduction and other children's issues in order to aid affected parents seeking U.S. government assistance. These changes are a follow-up to a Committee hearing of October 1998.

#### **Sec. 202. Strengthening Implementation of the Hague Convention on the Civil Aspects of International Child Abduction**

This section makes permanent the reporting requirements enacted in the Foreign Affairs Reform and Restructuring Act of 1998 and adds new requirements that the Secretary report on the specific actions taken by U.S. embassies to facilitate the return of a child and actions by the Secretary to encourage other Hague Convention members to facilitate the work of nongovernmental organizations similar to the National Center for Missing and Exploited Children in those countries.

#### **Sec. 203. Human Rights Reporting on the Treatment of Children**

This section expresses the sense of Congress that the Department of State's annual human rights report address the treatment of children. This report should include an assessment of each country's implementation of the Hague Convention on the Civil Aspects of International Child Abduction.

#### **Sec. 204. Diplomatic Telecommunications Service Program Office; Report on Cost Allocation System**

This section requires a report by the Diplomatic Telecommunications Service Program Office (DTS-PO) regarding the feasibility of fairly allocating the costs of DTS-PO to customer agencies at U.S. diplomatic missions overseas.

#### **Sec. 205. Study for Establishment of Russian Democracy Foundation**

This section requires the State Department to study the feasibility of establishing a foundation for the promotion of democratic institutions which would be based in the Russian Federation. Up to \$50,000 in fiscal year 2000 funds is authorized for this purpose.

## **Sec. 206. Limitation on Participation in International Expositions**

This section amends Section 230 of the Foreign Relations Authorization Act for Fiscal Years 1994 and 1995, to clarify the role of the Director of the United States Information Agency (USIA) with regard to participation in a major exhibit at an international exposition or world's fair.

## **Subtitle B — Consular Authorities**

### **Sec. 211. Fees for Machine Readable Visas**

Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, permits the Secretary of State to establish and retain a fee for machine readable visas and machine readable combined visa/border-crossing cards. Section 211 of S. 886 amends section 140(a) by extending and increasing the authority to collect and retain fees collected for the machine readable visa for fiscal years 2000 and 2001.

### **Sec. 212. Fees Relating to Affidavits of Support**

This section revises the process for the screening of affidavits of support (AOS) that are required by law from sponsors of family-based and certain other immigrants with respect to the person(s) they are sponsoring. This section provides that the National Visa Center in New Hampshire screen the AOS forms before they are forwarded to consular posts for adjudication.

### **Sec. 213. Passport Fees**

This section amends Section 1 of the Passport Act of 1920 to provide that, due to the excessive administrative costs, passport fees will not normally be refunded to unsuccessful applicants. It also repeals Section 4 of the Passport Act of 1920, which is an anachronistic provision.

### **Sec. 214. Deaths and Estates of United States Citizens Abroad**

This section would repeal 22 U.S.C. 4195 and replace it with new provisions in the State Department Basic Authorities Act to provide a revised statutory basis for the traditional consular function of protection and conservation, and ultimately disposition, of the estates of Americans who die overseas in those cases where a legal representative is not appointed by the heirs or other beneficiaries within a reasonable time. This section also provides a number of specific authorities not found in the original law which have been proposed by the Department of State based on its experience with the current law.

### **Sec. 215. Major Disasters and Other Incidents Abroad Affecting United States Citizens**

This section amends the State Department Basic Authorities Act to add a new subsection incorporating the enlarged definition of employees who may perform consular functions for purposes concerning deaths of U.S. citizens abroad.

## **Title III — Organization and Personnel of the Department of State**

### **Subtitle A — Organization Matters**

#### **Sec. 301. Legislative Liaison Offices of the Department of State**

This section requires the Department of State to develop a plan for establishing legislative liaison offices for the Department that would be based on Capitol Hill.

### **Subtitle B — Foreign Service Reform**

For brevity's sake, we only include section titles for this subtitle.

#### **Sec. 311. Findings**

#### **Sec. 312. United States Citizens Hired Abroad**

#### **Sec. 313. Limitation on Percentage of Senior Foreign Service Eligible for Performance Pay**

#### **Sec. 314. Placement of Senior Foreign Service Personnel**

#### **Sec. 315. Report on Management and Training**

#### **Sec. 316. Workforce Planning for Foreign Service Personnel by Federal Agencies**

#### **Sec. 317. Records of Disciplinary Actions**

#### **Sec. 318. Limitation on Salary and Benefits for Members of the Foreign Service Recommended for Separation for Cause**

#### **Sec. 319. Foreign Language Proficiency**

#### **Sec. 320. Treatment of Grievance Records**

#### **Sec. 321. Deadlines for Filing Grievances**

#### **Sec. 322. Reports by the Foreign Service Grievance Board**

## **Title IV — Embassy Security and Counterterrorism Measures**

### **Sec. 401. Short Title**

Section 401 states that this title may be cited as the "Secure Embassy Construction and Counterterrorism Act of 1999."

#### **Sec. 402. Findings**

Section 402 sets forth findings regarding the bombing of the U.S. Embassies in Dar es Salaam, Tanzania, and Nairobi, Kenya in August 1998, and the subsequent investigation by the State Department Accountability Review Boards, which were chaired by Admiral William Crowe, USN (ret.).

#### **Sec. 403. United States Diplomatic Facility Defined**

Section 403 defines the term "United States diplomatic facility" which is used throughout this section. The definition is not intended to apply to facilities such as warehouses or other storage facilities used by a diplomatic mission.

#### **Sec. 404. Authorization of Appropriations**

This section establishes a new account in the Treasury to be entitled the "Embassy Construction and Security" account. It authorizes appropriations of \$3 billion over the next five fiscal years, in \$600 million per year increments. This authorization equals the President's budget request, which sought \$3 billion in advance appropriations for embassy security over five years, beginning in fiscal year 2001.

#### **Sec. 405. Obligations and Expenditures**

This section contains several provisions designed to ensure that funds appropriated to the account established in Section 404 are used only for (1) the intended purpose and (2) high priority projects. Subsection (a) requires the Secretary of State to submit an annual report on the facilities that are a priority for replacement because of their vulnerability to terrorist attack. Subsection (a) also requires the Department to focus its efforts on the posts that are currently the most vulnerable. Subsection (b) subjects transfers of funds from this account to reprogramming procedures. Subsection (c) requires semiannual reports on obligations and expenditures from the account, projected obligations and expenditures, and the status of ongoing projects.

#### **Sec. 406. Security Requirements for United States Diplomatic Facilities**

Section 406 identifies new security requirements with respect to United States diplomatic facilities. These new requirements, which are based on recommendations of the Accountability Review Board, are specifically focused on the threat of large vehicular bombs.

#### **Sec. 407. Closure of Vulnerable Posts**

Section 407 requires the Secretary of State to review the work of the Overseas Presence Advisory Panel, which the State Department established in February 1999. According to the Charter of the Panel, it is charged with preparing a report (later to be submitted to Congress) recommending the criteria by which the Department, working with Chiefs of Mission, might determine the location, size, and composition of overseas posts in the coming decade. The report will determine whether any U.S. diplomatic facility should be closed due to high vulnerability to terrorist threat and if adequate security enhancements cannot be provided to that facility.

#### **Sec. 408. Accountability Review Boards**

This section amends Section 301 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986, to establish deadlines for the convening of Accountability Review Boards to examine an instance of serious injury, loss of life, or significant destruction of property at or related to a U.S. Government mission abroad, or in case of a serious breach of security involving intelligence activities of a foreign government.

#### **Sec. 409. Awards of Foreign Service Stars**

Section 409 amends the State Department Basic Authorities Act of 1956 to create the Foreign Service Star award to be awarded by the President to any member of the Foreign Service or to any other Federal employee who is wounded, injured, or contracts an illness while employed in an official capacity overseas.

### **Title V — United States International Broadcasting Activities**

#### **Sec. 501. Authorization of Appropriations**

This section authorizes appropriations for U.S. Government-sponsored international broadcasting — the Voice of America, Worldnet, Radio and TV Marti, Radio Free Europe/Radio Liberty, and Radio Free Asia — at the requested level in fiscal year 2000. The same authorization level applies to fiscal year 2001.

#### **Sec. 502. Radio Free Asia Reauthorization**

This section reauthorizes Radio Free Asia until the end of fiscal year 2005. In addition, this section raises the current limit on annual expenditures for Radio Free Asia's operating costs from \$22 million per year to \$28 million over the next two fiscal years.

#### **Sec. 503. Nomination Requirements**

This section amends the provision of law creating the Broadcasting Board of Governors (Sec. 304 of the United States International Broadcasting Act of 1994), which oversees all U.S. Government-sponsored international broadcasting, to subject the designation of the position of the Board's Chairman to Senate advice and consent.

### **Title VI — Arms Control, Nonproliferation, and National Security**

#### **Subtitle A — Arms Control**

#### **Chapter 1 — Effective Verification of Compliance with Arms Control Agreements**



### **Sec. 611. Key Verification Assets Fund**

This provision makes \$5 million available each year from existing funds for fiscal years 2000 and 2001 to a "Key Verification Assets Fund." This fund will be used for the research, development, and acquisition of arms control, non-proliferation, and disarmament verification technologies.

### **Sec. 612. Assistant Secretary of State for Verification and Compliance**

This provision establishes a new bureau in the Department of State headed by an Assistant Secretary for Verification and Compliance and identifies the principal authorities and responsibilities of the position. Specifically, Section 612(c)(1) provides that the Assistant Secretary shall have primary responsibility for all verification and compliance issues associated with arms control, nonproliferation, and disarmament agreements or commitments.

### **Sec. 613. Enhanced Annual ("Pell") Report**

With the reorganization of the executive branch's foreign affairs apparatus, the Department of State has undertaken responsibility for the preparation of an annual report by the President to Congress detailing the adherence of other nations to arms control, nonproliferation, and disarmament agreements. Section 613 expands the reporting requirement contained in Section 51 of the Arms Control and Disarmament Act to include an assessment of the adherence of other nations to commitments such as the Missile Technology Control Regime (MTCR). Section 613 further amends Section 51 of the Arms Control and Disarmament Act by requiring that each report specifically identify, to the maximum extent practicable in unclassified form, each and every compliance question that arises. Additionally, Section 613 requires that compliance questions be carried in each successive report until the situation of concern has been resolved and the conclusion reported to the Congress.

### **Sec. 614. Report on START and START II Treaty Monitoring Issues**

The Senate gave its advice and consent to both the START treaty and the START II treaty on the basis of several commitments from the executive branch regarding planned capabilities to monitor those treaties. Section 614 requires an assessment by the Director of Central Intelligence of the extent to which those capabilities have, or have not, materialized as promised. Specifically, the report shall include an assessment of all monitoring activities, intelligence community assets and capabilities deemed necessary to accomplish those activities, and the status of those assets. In addition, Section 614 requires an assessment of any Russian activities which have an impact on the United States' ability to monitor Russian compliance. This section also allows the Director of Central Intelligence to provide extremely sensitive, compartmented information separately to the intelligence committees of Congress.

### **Sec. 615. Standards for Verification**

Terms such as "effective verification" and "militarily significant violation" are used often in reports and testimony regarding arms control and nonproliferation agreements. Section 615 sets forth the Senate's understanding of these terms, and encourages the executive branch to adhere to

the standards embodied in previous administrations' testimony regarding the meaning of these terms, in order to establish a clear framework in which the terms can be used and understood.

#### **Sec. 616. Contribution to the Advancement of Seismology**

This provision ensures that scientists who work in the field of seismology are given immediate access to all unclassified seismological data provided to the United States Government by any international organization that is directly responsible for seismological monitoring.

#### **Sec. 617. Protection of United States Companies.**

When the Senate gave its advice and consent to ratification of the Chemical Weapons Convention, an issue of great concern was the right of international inspectors to conduct intrusive inspections of any company in the United States. To guard against the potential for economic espionage, the Congress required that a special agent of the Federal Bureau of Investigation (FBI) accompany every inspection team. Because of this financial burden on the FBI, the Committee supports the transfer of up to \$1 million per year from the Department of State to the FBI to ensure that United States companies are protected.

### **Chapter 2 — Landmine Policy, Demining Activities, and Related Matters.**

#### **Sec. 621. Conforming Amendment**

Section 621 ensures that the Foreign Relations Committee will be kept fully apprised of the development of landmine alternatives by the Department of Defense.

#### **Sec. 622. Development of Advanced Humanitarian Demining Capabilities Fund**

Section 622 provides \$5,000,000 in "seed money" to the Department of State to capitalize on demining technology under development by the Department of Defense, the Department of Energy, or any of the military departments, and to adapt that technology to serve humanitarian objectives.

### **Subtitle B — Nuclear Proliferation, Safety, and Related Matters.**

#### **Sec. 631. Reporting Burden on United States Nuclear Industry**

Section 631 prohibits the executive branch from using United States obligations under the recently ratified Convention on Nuclear Safety to impose any new reporting requirements on United States nuclear power utilities and companies.

#### **Sec. 632. Authority to Suspend Nuclear Cooperation for Failure to Ratify Convention on Nuclear Safety**

Section 632 amends Section 132 of the Atomic Energy Act, providing the President the right to suspend domestic nuclear cooperation with any country that does not ratify the Nuclear Safety

Convention. The President currently has this right with respect to nations that do not ratify the Convention on the Physical Security of Nuclear Material.

### **Sec. 633. Elimination of Duplicative Government Activities**

This section urges the Secretary of State to ensure that functions of the International Nuclear Regulators Association (INRA) are undertaken to the maximum extent practicable in connection with implementation of the Convention on Nuclear Safety.

### **Sec. 634. Congressional Notification of Nonproliferation Activities**

Section 634 revises and expands the obligation of executive branch agencies to keep the Committee "fully and currently informed" of nonproliferation issues.

### **Sec. 635. Effective Use of Resources for Nonproliferation Programs**

Section 635 requires the Secretary of Energy to submit a report responding to a February 1999 study by the General Accounting Office (GAO) entitled "Nuclear Nonproliferation: Concerns With DOE's Efforts to Reduce the Risks Posed by Russia's Unemployed Weapons Scientists." Further, Section 635 prohibits the allocation of funds under the International Science and Technology Center program of the Department of State or the Initiatives for Proliferation Prevention program to any individual who is involved with offensive chemical or biological warfare programs.

### **Sec. 636. Disposition of Weapons-Grade Material**

This section requires the Department of Energy to identify for Congress the number of nuclear weapons "pits" of each type that it intends to dismantle pursuant to an excess plutonium disposition agreement with Russia. Section 636 also requires the Secretary of State to certify that the proposed establishment of a mixed oxide (MOX) nuclear fuel fabrication plant in Russia will not become a major proliferation headache for future administrations.

### **Sec. 637. Status of Hong Kong and Macao in United States Export Law**

Section 637 establishes a set of clear and reasonable expectations for Hong Kong and Macao regarding their practices for protecting sensitive commodities exported from the United States.

## **Subtitle C — Miscellaneous Provisions**

### **Sec. 641. Requirement for Transmittal of Summaries**

Section 641 requires that the Committee receive the various arms control negotiation summaries that are routinely prepared by U.S. delegations overseas.

## **Sec. 642. Prohibition on Withholding Certain Information From Congress**

This provision makes clear that no executive branch agency may legally withhold information from the Committee that it is required to submit pursuant to Section 602 (c) or (d) of the Nuclear Nonproliferation Act of 1978.

# **Title VII — Miscellaneous Provisions**

## **Subtitle A — People's Republic of China**

### **Sec. 701. Findings**

The Committee remains seriously concerned with the human rights situation in the People's Republic of China (PRC), in particular the major crackdown on dissent begun in late 1998. The findings in this section are largely a restatement and concurrence with the findings of the State Department in its Country Reports on Human Rights Practices, which noted that serious human rights abuses persisted and, in some cases, intensified in the PRC in 1998.

### **Sec. 702. Funding for Additional Personnel at Diplomatic Posts To Report on Political, Economic, and Human Rights Matters in the People's Republic of China**

This section provides \$2,200,000 for each of fiscal years 2000 and 2001 for additional personnel at the United States' embassies in the PRC and Nepal, and U.S. consulates in the PRC, in order to monitor political and economic conditions, in particular the human rights situation, in the PRC.

### **Sec. 703. Prisoner Information Registry**

This section requires the establishment of a registry to list and provide information on all known political prisoners in the PRC. According to the State Department, there are thought to be thousands of such prisoners, but to date, no comprehensive list of all known prisoners exists.

### **Sec. 704. Report Regarding the Establishment of Organization for Security and Cooperation in Asia**

This section requires a report to Congress on the feasibility and utility of establishing an Organization for Security and Cooperation in Asia modeled on the Organization for Security and Cooperation in Europe within 180 days of enactment.

### **Sec. 705. Sense of Congress Regarding Organ Harvesting and Transplanting in the People's Republic of China**

The Committee views the practice of harvesting organs from executed prisoners in the PRC as a particularly gruesome form of human rights abuse in that country. This section expresses the sense of Congress that the government of the PRC should be condemned for this practice, that

any officials involved in the practice should be barred from the United States, and that any individuals involved in the sale of such organs in the United States should be prosecuted to the fullest extent of the law.

## **Subtitle B — Other Matters**

### **Sec. 721. Denial of Entry Into United States of Foreign Nationals Engaged in Establishment or Enforcement of Forced Abortion or Sterilization Policy**

This section requires the Secretary of State to deny a visa to any foreign national whom the Secretary of State finds to have been directly involved in the establishment or enforcement of coercive population control policies.

### **Sec. 722. Semiannual Reports on United States Support for Membership or Participation of Taiwan in International Organizations**

In order to boost efforts toward Taiwan's appropriate membership or participation in international organizations, this section requires semi-annual reports from the Secretary of State on the United States Government's efforts to achieve this goal.

### **Sec. 723. Congressional Policy Regarding United Nations General Assembly Resolution ES-10/6**

It is the view of this Committee that U.N. Resolution ES-10/6, which would convene the parties of the Fourth Geneva Convention in order to criticize Israeli actions in the West Bank and Gaza, dangerously politicizes the Convention, which was established to deal with critical humanitarian crises. Further, it would unfairly blame Israel for the deterioration of the Middle East peace process, prejudice subsequent negotiations, and offer no relief to the Palestinian people it purports to help. The section commends the Department of State for the U.S. vote against the U.N. resolution and urges the Department to continue its efforts against convening the conference.

### **Sec. 724. Waiver of Certain Prohibitions Regarding the Palestine Liberation Organization**

This section permits the President to waive the provisions of Section 1003 of P.L. 100-204 (barring the existence of the office of the Palestine Liberation Organization in the United States) if he determines and so certifies in writing to the Congress that it is both in the national interest of the United States to do so, and that after the date of enactment of this Act, no governing body of the Palestinian people (including but not restricted to the PLO or Palestinian Authority) has made a declaration of statehood outside the framework of negotiations with the State of Israel.

### **Sec. 725. United States Policy Regarding Jerusalem as the Capital of Israel**

Subsection (a) reaffirms and updates the Jerusalem Embassy Act of 1995 (P.L. 104-45). It reaffirms congressional intent concerning the establishment of the U.S. Embassy in Jerusalem, Israel, no later than May 31, 1999. Subsection (b) urges the President to correct the current anomalous situation in which the United States Ambassador to Israel, currently a resident in Tel

Aviv, does not supervise all U.S. diplomatic and consular activities in the State of Israel, and particularly, does not supervise the Consul General and Consulate personnel in Jerusalem, Israel. Subsection (c) requires new public documents to describe Jerusalem as Israel's capital as a prerequisite for funding under the bill. This restriction follows State Department practice in such publications as the "Background Notes" for Israel. Subsection (d) requires that for purposes of registration of birth, certification of nationality, or issuance of a passport, that the Secretary of State, upon the request of a U.S. citizen born in Jerusalem, record the place of birth as Israel. This section does not constitute a requirement that U.S. citizens born in Jerusalem have Israel recorded as their place of birth.

#### **Sec. 726. United States Policy With Respect to Nigeria**

This section declares that the United States support a timely, effective, and sustainable transition to democratic, civilian government in Nigeria and encourages the incoming civilian government in Nigeria to make the political, economic, and legal reforms necessary to ensure rule of law and respect for human rights in Nigeria.

#### **Sec. 727. Partial Liquidation of Blocked Libyan Assets**

This section requires the President to liquidate Libyan assets blocked by the United States to pay for the reasonable costs of travel to and from the Hague, Netherlands, by immediate family members of the victims of the crash of Pan American flight 103 on December 21, 1988, who may wish to attend the trial of Libyans suspected of committing terrorist acts that caused the crash.

#### **Sec. 728. Support for Refugees From Russia Who Choose To Resettle in Israel**

This provision is a sense of the Congress that the United States should support members of Russia's Jewish community and continue to provide assistance to refugees resettling in Israel.

#### **Sec. 729. Sense of Congress Regarding Extradition of Lt. General Igor Giorgadze**

This provision is a sense of the Congress that the President and other senior officials should raise at each bilateral meeting between officials of the U.S. Government and of the Russian Federation the issue of the extradition of Lt. General Igor Giorgadze to Georgia to stand trial for the attempted assassination of Georgian President Eduard Shevardnadze.

## **Title VIII — International Organizations and Commissions**

### **Subtitle A — Authorization of Appropriation**

## **Sec. 801. Contributions to International Organizations**

This section authorizes appropriations for fiscal years 2000 and 2001 under the heading "Contributions to International Organizations." It authorizes \$940 million in fiscal years 2000 and 2001 for United States contributions of its assessed share of the expenses of the United Nations and some 50 other international organizations of which the United States is a member. Paragraph (2) of subsection (a) responds to a condition in the Senate resolution of advice and consent to the ratification of the Protocols to the North Atlantic Treaty of 1949 on Accession of Poland, Hungary, and the Czech Republic, which limits the total amount of expenditures by the United States in any fiscal year on or after October 1, 1998, for payments to the common-funded budgets of NATO to the total of all such payments made by the United States in fiscal year 1998, unless specifically authorized by law. Of the funds authorized, subsection (b) makes available \$80 million on an annual basis only when the Secretary of State certifies to Congress that no action has been taken by the United Nations to increase the United Nations 1998-99 budget of \$2.53 billion during that period without finding an offset elsewhere in the United Nations budget during that period. Of the funds authorized, subsection (c) withholds 20 percent of the funds made available for the United Nations until the Secretary of State certifies that the Office of Internal Oversight Services (OIOS) continues to function as an independent inspector general. Of the funds authorized, subsection (d) prohibits U.S. funding of U.N. global conferences, except that it exempts conferences that were approved by the United Nations prior to October 1, 1998. Of the funds authorized, subsection (e) requires that no portion of the U.S. contribution to the United Nations regular budget should be used to fund the operating cost of another organization, which has been established through a framework treaty.

## **Sec. 802. Contributions for International Peacekeeping Activities**

This section authorizes an appropriation of \$215 million in fiscal year 2000, and \$215 million in fiscal year 2001, for assessed contributions to international peacekeeping activities under United Nations auspices. This section also consolidates many current reporting requirements regarding international peacekeeping activities.

## **Subtitle B — United Nations Activities**

### **Sec. 811. United Nations Policy on Israel and the Palestinians**

It is the view of the Committee that it is inequitable that Israel be denied participation in a regional bloc at the United Nations and therefore the opportunity of a rotating seat on the Security Council of the United Nations. Paragraph (a) of this section states that it shall be the policy of the United States to end this inequity. Further, the existence of certain groups within the United Nations, such as the Committee on the Exercise of the Inalienable Rights of the Palestinian People, reflects an anti-Israel bias. Paragraph (b) of this section states that it shall be the policy of the United States to seek the abolition of such groups. Paragraphs (c) and (d) require annual reports and consultations with the Congress on actions to accomplish the stated policies in (a) and (b).

## **Sec. 812. Data on Costs Incurred in Support of United Nations Peacekeeping Operations**

This section requires the President to report annually to the United Nations on the total costs of United States Department of Defense activities in support of Security Council resolutions, including assessed, voluntary, and incremental costs.

## **Sec. 813. Reimbursement for Goods and Services Provided by the United States to the United Nations**

This section is intended to ensure that the U.S. Government is reimbursed by the United Nations in a timely manner for military assistance it provides in support of the United Nations or U.N. peacekeeping operations, whether this assistance is provided to the United Nations or to another country participating in such an operation.

## **Subtitle C — International Organizations Other Than the United Nations**

### **Sec. 821. Restriction Relating to United States Accession to the International Criminal Court**

This section prohibits funding for use by, or in support of, the International Criminal Court, without Senate advice and consent to the treaty establishing the Court.

### **Sec. 822. Prohibition on Extradition or Transfer of United States Citizens to the International Criminal Court**

Subsection (a) prohibits the use of funds to extradite any U.S. citizen to a foreign country that is under an obligation to surrender individuals to the International Criminal Court (ICC) unless that country provides direct assurances to the United States that applicable prohibitions in existing extradition treaties apply to such surrender or gives other satisfactory assurances to the United States that it will not transfer that individual to the ICC.

### **Sec. 823. Permanent Requirement for Reports Regarding Foreign Travel**

This section makes permanent reporting requirements on executive branch travel for purposes of diplomatic conferences.

### **Sec. 824. Assistance to States and Local Governments by the International Boundary and Water Commission**

This section authorizes the Commissioner of the U.S. Section of the International Boundary and Water Commission to provide technical tests, evaluations, information, surveys, or other services to State or local governments upon request on a reimbursable basis.



## **Title IX — Arrears Payments and Reform**

### **Subtitle A — General Provisions**

This subtitle (sections 901 and 902) outlines the short title and key definitions regarding this title.

### **Subtitle B — Arrearages to the United Nations**

#### **Chapter 1 — Authorization of Appropriations; Obligation and Expenditure of Funds**

##### **Sec. 911. Authorization of Appropriations**

This section authorizes \$100 million in fiscal year 1998, \$475 million in fiscal year 1999, and \$244 million in fiscal year 2000 for the repayment of arrears to the United Nations, United Nations peacekeeping activities, United Nations specialized agencies, and other international organizations. Funds are authorized to remain available until expended.

##### **Sec. 912. Obligation and Expenditure of Funds**

This section outlines the manner in which disbursements will be made and requires that certification of specified reforms be completed prior to any disbursement of funds by the United States.

##### **Sec. 913. Forgiveness of Amounts Owed by the United Nations to the United States**

This section permits the President to forgive the United Nations up to \$107 million in debt currently owed to the United States. In order to forgive this debt, the United Nations must reduce its record of U.S. arrears to the United Nations by the amount of the debt forgiven by the United States.

#### **Chapter 2 — United States Sovereignty**

##### **Sec. 921. Certification Requirements**

The Secretary of State must certify that: no action has been taken by the United Nations or any of its agencies to cause the United States to violate the Constitution; neither the United Nations nor its specialized agencies have exercised authority over the United States or taken steps to require that the United States cede sovereignty; U.S. law does not give the United Nations any legal authority to tax the American people or impose fees; the United Nations has not taken formal steps to create or develop a standing army under Article 43 of the United Nations Charter; interest fees have not been levied on the United States for any arrears owed to the United Nations; neither the United Nations nor its specialized agencies have exercised any authority or control over public or private property in the United States; and that the United Nations has not engaged in external borrowing, nor have the financial regulations of the United Nations or any of

its specialized agencies been amended to permit borrowing, nor has the United States paid any interest for any loans incurred through external borrowing by the United Nations or its specialized agencies.

### **Chapter 3 — Reform of Assessments and United Nations Peace Operations**

#### **Sec. 931. Certification Requirements for Fiscal Year 1999**

This section requires that the Secretary shall not make her 1999 certification if she determines the 1998 certifications are no longer valid, and prior to payment of authorized arrears in fiscal year 1999, certify that the following certification requirements have been met. The Secretary of State must certify that: a contested arrears account or some other appropriate mechanism has been created for the United States; the share of the total peacekeeping budget for each United Nations assessed peace operation does not exceed 25 percent for any member; and the share of the total regular budget assessment for the United Nations does not exceed 22 percent for any member.

### **Chapter 4 — Budget and Personnel Reform**

#### **Sec. 941. Certification Requirements**

The Secretary shall not make her fiscal year 2000 certification if she determines the fiscal year 1998 and 1999 certifications are no longer valid, and prior to payment of authorized arrears in fiscal year 2000, she shall certify that the certification requirements set out below have been met. The Secretary of State must certify that the share of the total regular budget assessment for the United Nations and its specialized agencies does not exceed 20 percent for any member; the three largest U.N. specialized agencies (the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization) have each established an internal inspector general office comparable to the Office of Internal Oversight Services established in the United Nations following a similar certification requirement in the Foreign Relations Authorization Act, FY94-95 (section 401 of P.L. 103-236); the United Nations and the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization have each established an evaluation system that requires a determination as to the relevance and effectiveness of each program; the United States has a seat on the United Nations Advisory Committee on Administrative and Budgetary Questions (ACABQ); the General Accounting Office (GAO) has access to United Nations financial data so that the GAO may perform nationally mandated reviews of all United Nations operations; the United Nations is enforcing a personnel system based on merit and is enforcing a worldwide availability of its international civil servants, as well as other personnel reforms; the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization have each approved a budget that is a no-growth budget in the 2000-2001 biennium as compared to levels agreed to for the 1998-1999 budgets; the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization have each established procedures that require the budget agreed to at the start of a budgetary cycle to be maintained; the system-wide identification of expenditures by functional categories; and the share of the total

regular budget assessment for the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization does not exceed 22 percent for any member.

### **Subtitle C — Miscellaneous Provisions**

#### **Sec. 951. Statutory Construction in Relation to Existing Laws**

This section makes clear that this bill will not change or reverse any previous provision of law regarding restriction on funding to international organizations.

#### **Sec. 952. Prohibition on Payments Relating to UNIDO and Other Organizations From Which the United States Has Withdrawn or Rescinded Funding**

This section prohibits payment to organizations from which the United States has withdrawn or from which Congress has rescinded funding because the United States no longer participates in the organization, including the United Nations Industrial Development Organization and the World Tourism Organization.

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### **ADMINISTRATION POSITION**

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No Statement of Administration Policy was available at press time.

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### **COST**

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The Congressional Budget Office estimates that S. 886 would result in additional discretionary spending of \$13.6 billion over the 2000-2004 period. Because the bill would affect direct spending and revenues, pay-as-you-go procedures would apply, and the net impact would generally be less than \$500,000 a year.

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## OTHER VIEWS

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Senator Sarbanes, the sole member of the Committee to vote in the negative on reporting S. 886, stated in his Minority Views [S. Rept. 106-43, p. 82]:

"Important United States national interests are being seriously undermined by our continued failure to pay what we owe to the United Nations and its affiliated agencies. By refusing to meet our legal obligations while continually issuing new demands, we are squandering our own influence, damaging our credibility and international respect, engendering resistance to the reforms we seek, and complicating the U.N.'s ability to perform its duties in a timely and effective manner. We should pay our arrears promptly, in full, and without additional conditions."

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## POSSIBLE AMENDMENTS

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At press time, it appeared that S. 886 would be passed by unanimous consent. Pursuant to a previous unanimous consent agreement (No. 91, June 10, 1999), only listed first-degree amendments were in order subject to relevant second-degree amendments. However, it is likely that a majority of the amendments will either be withdrawn or will be accepted by voice.

Abraham-Grans. Regarding U.S. entry/exit controls.

Bingaman. Regarding science counselors at embassies.

Durbin. Regarding Baltics and Northeast Europe.

Thomas. Regarding veterans.

Wellstone. Regarding trafficking in women and children.

Wellstone. Regarding child soldiers.

The following Senators have amendments listed as "relevant" in the unanimous consent agreement of June 10: Ashcroft (4), Baucus (3), Biden (5), Daschle (2), Dodd (3), Feingold (4), Feinstein, Helms (2, plus the Managers' amendment), Kennedy, Kerry (3), Leahy (5), Lott (2), Moynihan, Reed (2), Reid, Sarbanes (3), Wellstone (3).

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